THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 4489 OF 2005

Dated: 29th November, 2005

Between:

Water Shed Committee, Burdipad,

Manopad Mandal, rep. by its Chairman Bandi

Chenna Krihna Reddy

…Petitioner

A N D

1. The District Collector, Mahaboobnagar,

and Others.

…Respondents

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O R D E R:

1. This writ petition has been filed by Water Shed Committee, Burdipad, Manopad Mandal, represented by its Chairman Bandi Chenna Krishna Reddy with a prayer to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the Team Co-ordinator, M.D. T-VI, Wanaparthy-

3rd respondent and the Deputy Executive Engineer, M.D.T.-VI, Wanaparthy-4th respondent in not implementing the action plan sanctioned by the District Collector-1st respondent vide proceedings No. D1/533/2004, dated 7-9-2004 as arbitrary and illegal.

2. Bandi Chenna Krishna Reddy has sworn to the writ affidavit. He is the chairman of the petitioner's Water Shed Committee. The Government of India has launched a scheme by name National Watershed Development Project for Rainfed Areas (N.W.D.P.R.A.) in the VIII plan in 25 states and two Union Territories and continues to implement during the IXth plan. The authorities conducted Gramasabha in different villages and mandals and sanctioned Rs.3,50,000/- on 15-11-2002 and also issued cheque to the petitioner's Water Shed Committee to take up the work as per the action plan prepared by the authorities in consultation with the Watershed Committee. The District Collector-1st respondent vide his letter No.D1/533/2004, dated 7-9-2004 issued proceedings according administrative approval to carry out the works to a tune of Rs.3.93 lakhs for the year 2004-2005. Since no action has been taken by the respondents to implement the action plan for the year 2004-05, this writ petition has been filed by Water Shed Committee, Burdipad, Manopad Mandal.

3. Counter affidavit has been filed by the respondent No.4. It is stated in the counter affidavit that the Water Shed Committee could not conduct any meetings for a period of one year and eight months due to differentiations among the members. Due to sincere efforts of the Deputy Executive Engineer/Project implementing Agency and Watershed Development Team members of the Project Implementing Agency, the Watershed Association could conduct a Gram Sabha meeting on 16-6-2004 to discuss and finalize action plan to take up the works after according approval by the Project Director DWMA, Maahabubnagar. The action plan was approved and sanctioned by the Project Director DWMA, Mahabubnagar vide proceedings No. D1/533/04, dated 7-9-2004 to a tune of Rs. 3.93 lakhs for the year 2004-05. It is further stated in the counter affidavit that due to strong resistance from the villagers for starting the works, the action plan could not be given effect. I deem it appropriate to refer para 5 of the counter affidavit and it is thus;

> *"In reply to para 7 and 8 of the affidavit, it is submitted that the whole concept of the Watershed programme is that for the overall development of the village, depends on the interest and*

consensus of all the sections and groups of the people in the village for the successful implementation without any obstructions. The efforts for starting the works so far taken by the Multi Disciplinary Team-VI, Project Implementing Agency Team Coordinator MDT-VI Wanaparthy and even at the Project Director level are not reaped. By lates i.e, on 18-3-2005 we have proceeded to Burdipadu village to convene a meeting with Watershed Committee and User groups for implementation of programme as per Sanctioned Action Plan and funds also provided. But soon after starting of meeting, quarrel started among the groups with heated exchange of words and we could not proceed further in the matter as the situation was going out of control. However, the efforts will be continued for some more time for bringing consensus among the villagers and further appropriate action would be taken in the matter. It is further submitted that both groups quarrelled and went up to level of registering crimes and same are pending in Shantinagar Police Station".

4. A reply affidavit has been filed by the writ petitioner.

5. Heard learned counsel for the petitioner and learned Government Pleader for Panchayath Raj appearing for the Respondents.

6. Learned counsel for the petitioner submits that the respondents having frame the action plan for the year 2004-05 failed to implement the same and thereby the villagers are deprived of the benefit of the Water Shed Scheme.

7. Learned Government Pleader for Panchayath Raj submits that the action plan could not be implemented because of serious disputes among villagers and also registering of criminal cases against each other. He also submits that the writ petition is not maintainable for implementation of instructions and guidelines, which were not framed in exercise of any statute. Reliance has been placed on the decision of our High Court in ***C.Dayakar Reddy Vs. The District Collector-cum-Chairman, Water Shed Development Committee, Mahaboobnagar***.

8. Respondents have framed the action plan for the year 2004-2005. The writ petitioner has chosen to approach this Court at the fag end of the financial year and now the present financial year is 2005-06. Since the scheme itself is for financial year 2004-05, no writ can be issued to implement the scheme prepared for the year 2004-05 at this belated stage.

9. Accordingly, the writ petition is dismissed. No order as to costs.

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Justice B.Seshasayana Reddy

29th November, 2005.

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